

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

EDGAR E. BRACAMONTES,

Defendant.

CASE NO. 8:09CR5

ORDER

This matter is before the Court on the motion to withdraw filed by defense counsel Michael Bianchi (Filing No. 75) and the Defendant's amended motion for leave to proceed on appeal in forma pauperis (Filing No. 80) filed under Federal Rule of Appellate Procedure 24(a). The motion for leave to proceed in forma pauperis includes a detailed financial affidavit. The Defendant, who was represented by retained counsel in this Court, has filed a notice of appeal. (Filing No. 72.)

The motion for leave to proceed in forma pauperis is granted. The motion to withdraw, however, must be presented to the Eighth Circuit Court of Appeals, and therefore the motion is denied for lack of jurisdiction.

IT IS ORDERED:

1. The Defendant's amended motion for leave to proceed on appeal in forma pauperis (Filing No. 80) is granted;
2. The motion to withdraw filed by defense counsel Michael Bianchi (Filing No. 75) is denied for lack of jurisdiction; and
3. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 15th day of December, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge